

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) Device for recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,

[[-]] the recording layer comprising a pre-track pattern ~~(14)~~ indicating the position of the track,

the device ~~comprising~~ comprising:

[[-]] a head ~~(22)~~ for providing the beam,

[[-]] recording means ~~(20, 28, 29)~~ for recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data,

and

[[-]] lead-out means ~~(36)~~ for finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.

2. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for said determining using as the predefined physical position a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the prescribed physical position being ~~35,0 mm~~ 35.0 mm.

3. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for said determining using as the predefined physical position a minimal

radial position substantially less than a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the minimal position being ~~29,0 mm~~ 29.0 mm.

4. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for said recording lead-out information starting at the end of the user data and ending at the predefined physical position.

5. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for recording dummy information as said recording lead-out information, the dummy information being formatted as user data.

6. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for recording dummy information up to the predefined physical position, the dummy information being formatted as user data, and the recording being

performed in a background mode in between recording of user data.

7. (Currently Amended) ~~Device~~ The device as claimed in claim 1, wherein the lead-out means ~~(36)~~ are arranged for said determining if data written in the recording area extends up to a predefined physical position by retrieving a last written address parameter from the record carrier, which last written address parameter indicates a last sector number of a contiguously recorded part of the recording area starting from the start of the recording area.

8. (Currently Amended) ~~Method~~ A method of recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,

[[-]] the recording layer comprising a pre-track pattern ~~(14)~~ indicating the position of the track,

the method comprising the acts of:

[[-]] recording the information in the track according to a predefined recording format for constituting a recording area

containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data, and

[[-]] finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.

9. (Currently Amended) ~~Computer~~ A computer program product stored on a recordable medium for recording information, which program is operative to cause a processor to perform the ~~method as claimed in claim 8~~ acts of:

recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone

located at the end of the user data; and

finalizing the record carrier for playback on a reading device
that cannot detect the pre-track pattern, the finalizing comprising
determining if data written in the recording area extends up to a
predefined physical position, and, if not, recording lead-out
information, and, if the data extends at least up to the predefined
position, not recording any lead-out information.